

JESSICA R. PERRY (SBN 209321)  
[jperry@orrick.com](mailto:jperry@orrick.com)  
MELINDA S. RIECHERT (SBN 65504)  
[mrieghert@orrick.com](mailto:mrieghert@orrick.com)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
1000 Marsh Road  
Menlo Park, CA 94025-1015  
Telephone: +1 650 614 7400  
Facsimile: +1 650 614 7401

KATHRYN G. MANTOAN (SBN 239649)  
kmantoan@orrick.com  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
405 Howard Street  
San Francisco, CA 94105-2669  
Telephone: +1 415 773 5700  
Facsimile: +1 415 773 5759

RYAN D. BOOMS (SBN 329430)  
[rbooms@orrick.com](mailto:rbooms@orrick.com)  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
2100 Pennsylvania Avenue NW  
Washington, D.C. 20037  
Telephone: +1 202 339 8400  
Facsimile: +1 202 339 8500

Attorneys for Defendant  
APPLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ASHLEY GJOVIK.

**Plaintiff.**

V.

APPLE INC.

**Defendant:**

Case No. 23-cv-4597-EMC

**DECLARATION OF MELINDA S.  
RIECHERT IN SUPPORT OF  
DEFENDANT APPLE INC.'S MOTION  
TO STAY IN LIGHT OF  
BANKRUPTCY PROCEEDINGS**

Date: October 23, 2025  
Time: 1:30 p.m.  
Dept: Courtroom 5, 17th Floor  
Judge: Honorable Edward M. Chen

1 I, Melinda S. Riechert, declare as follows:

2       1. I am an attorney admitted to practice law in the state of California and am a partner  
 3 at the firm Orrick, Herrington & Sutcliffe LLP. I am counsel for defendant Apple Inc. in this action.  
 4 I submit this declaration in support of Apple's Motion to Stay in Light of Bankruptcy Proceedings.  
 5 I have personal knowledge as to the facts set forth in this declaration. If called as a witness, I could  
 6 and would testify competently thereto.

7       2. Since July 21, 2025, Plaintiff/Debtor has engaged in extensive litigation activity; the  
 8 following examples are illustrative and not exhaustive:

- 9           a. On July 24, 2025, Plaintiff/Debtor threatened to file a discovery letter brief with  
  10           Magistrate Judge Westmore regarding Plaintiff/Debtor's demand for an ESI  
  11           protocol, despite Apple's commitment to provide a proposal for ESI protocol the  
  12           following week. Negotiation of an ESI protocol remains ongoing.
- 13           b. On July 28, 2025, the day before the parties were due to submit a proposed discovery  
  14           plan to the Court, Plaintiff/Debtor objected to Apple's proposal, but did not provide  
  15           any alternative proposal or substantive feedback prior to the July 29, 2025 filing  
  16           date.
- 17           c. On August 4, 2025, Plaintiff/Debtor demanded that Apple provide comprehensive  
  18           information regarding its document preservation efforts, despite offering no  
  19           evidence of actual or threatened spoliation.
- 20           d. On August 5, 2025, Plaintiff/Debtor indicated her intention to notice a FRCP  
  21           30(b)(6) deposition of Apple.
- 22           e. On August 11, 2025, Plaintiff/Debtor produced over 900 documents encompassing  
  23           over 6,000 pages, many of which are documents belonging to Apple that  
  24           Plaintiff/Debtor appears to have improperly retained following her termination.
- 25           f. On August 12, 2025, Plaintiff/Debtor filed a discovery letter brief with Magistrate  
  26           Judge Westmore (Dkt. No. 240), seeking an order (1) compelling Apple to produce  
  27           a document it had previously committed to search for (and which it produced on  
  28           August 15, 2025), and (2) imposing sanctions against Apple.

- 1 g. On August 13, 2025, Plaintiff/Debtors served four additional interrogatories on  
2 Apple, each containing multiple discrete subparts, notwithstanding the fact that she  
3 had already exhausted the 25 interrogatories permitted under FRCP 33. To date, the  
4 interrogatories counting discrete subparts served by Plaintiff/Debtors exceed 100  
5 interrogatories.
- 6 h. The same day, Plaintiff/Debtors served 22 additional requests for production of  
7 documents.
- 8 i. Also the same day, Plaintiff/Debtors demanded that Apple supplement its response  
9 to her Interrogatory No. 1 within 14 days.
- 10 j. Also the same day, Plaintiff/Debtors also issued two deposition notices, seeking to  
11 schedule depositions for current and former Apple employees one during the period  
12 September 8-19, the other during the period September 15-30, despite having  
13 previously represented that she was not available for her own deposition until the  
14 last week of September or the first week of October.
- 15 k. Also the same day, Plaintiff/Debtors demanded that Apple provide copies of  
16 subpoenas it had issued, even though Apple has not issued any subpoenas, and  
17 threatened to seek sanctions for Apple's purported non-compliance with FRCP  
18 45(a)(4). Subsequently, on August 18, 2025, Plaintiff/Debtors expressed her intent to  
19 move for a protective order, despite Apple's commitment to meet and confer  
20 regarding the scope of the proposed subpoenas.
- 21 l. On August 18, 2025, Plaintiff/Debtors demanded that Apple provide additional  
22 information in response to her Interrogatory Nos. 2-13, which each contain many  
23 discrete subparts causing them to exceed 25 total interrogatories served, and  
24 threatened to seek sanctions if Apple did not comply.
- 25 m. Also that same day, Plaintiff/Debtors stated her intention to subpoena Orrick for  
26 records and to subpoena Twitter/X for access to the confidential credit card  
27 information of someone she alleges harassed her under a pseudonym on Twitter/X.
- 28 n. On August 19, 2025, Plaintiff/Debtors again threatened to seek FRCP 37 sanctions

1 and to strike Apple's affirmative defenses.

2 o. On August 20, 2025, Plaintiff/Debtor made further demands for signed statements  
3 from Apple formally responding to her objections to the objections Apple included  
4 in its discovery responses (something that is not required under the Federal Rules of  
5 Civil Procedure) because she wishes to use them as evidence in this matter.

6 3. At the August 5, 2025 Case Status Conference, the Court inquired as to how  
7 Plaintiff/Debtor's bankruptcy petition affected this case, noting that the Trustee is now in  
8 control of the litigation. Plaintiff/Debtor acknowledged that she understood the Trustee now  
9 controls the litigation but conveyed her belief that the Trustee would abandon the lawsuit to her.

10 I certify under penalty of perjury and pursuant to the laws of the United States that the  
11 foregoing is true and correct.

12 Executed August 25, 2025 in London, England.

13  
14 */s/ Melinda S. Riechert*  
15 Melinda S. Riechert

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28